

be cumulative of general laws on the subject of roads and bridges and on the subject of funding and refunding warrants, when not in conflict with the provisions hereof; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 246, A bill to be entitled "An Act to declare a closed season on the killing of quail and dove in Haskell County for a period ending February 1st, 1940; prescribing a penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 268, A bill to be entitled "An Act making it unlawful to kill squirrels in Angelina and Tyler Counties, Texas, during the month of July; declaring it unlawful for any person to kill, take or have in his possession for purpose of sale any wild fox or the pelts thereof, providing that this law shall be in force for a period of two years; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 276, A bill to be entitled "An Act making it unlawful to kill

quail in Garza County, Texas; providing the Act shall be in force for a period of two years; repealing all laws in conflict; providing a penalty for the violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 21, Inviting Honorable James A. Farley, Postmaster General, to address a Joint Session of the Legislature on a date and time suitable to him.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 26, Providing for a Texas Independence Day program.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, February 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 25, Recalling H. C. R. No. 13 from the Governor's office.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

#### SEVENTEENTH DAY

(Monday, February 8, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Johnson
Adkins	of Tarrant
Alexander	Jones of Angelina
Alsup	Jones of Atascosa
Amos	Jones of Wise
Baker	Keefe
Bates	Kelt
Beckworth	Kenyon
Bell	Kern
Blankenship	King
Boethel	Knetsch
Bond	Langdon
Boyer	Lankford
Bradbury	Lanning
Bradford	Leath
Bridgers	Leonard
Burton	Little
Callan	Loggins
Carssow	London
Cathey	Lucas
Celaya	Mann
Cleveland	Mauritz
Colquitt	Mays
Davis of Jasper	McConnell
Davison of Fisher	McCracken
Davisson	McDonald
of Eastland	McKee
Dean	McKinney
Deglandon	Metcalfe
Derden	Moffett
Dickison	Monkhouse
Dollins	Morris
England	Morse
Farmer	Newton
Felty	Nicholson
Fielden	Oliver
Gibson	Palmer
Graves	Patterson of Mills
Hamilton	Patterson
Hankamer	of Travis
Hanna	Petsch
Harbin	Pope
Hardin	Powell
Harper	Prescott
Harrell	Quinn
Harris of Archer	Ragsdale
Harris of Dallas	Reader
Harris of Dickens	Reed of Bowie
Hartzog	Reed of Dallas
Heflin	Rhodes
Herzik	Riddle
Holland	Roark
Hoskins	Ross
Howard	Russell
Huddleston	Rutta
Hull	Schuenemann
Hyder	Settle
Jackson	Sewell
James	Sharpe
Johnson of Ellis	Shell

Simpson	Tennyson
Skaggs	Thornberry
Smith of Hopkins	Thornton
Smith	Vale
of Matagorda	Waggoner
Smith of Tarrant	Walker
Stinson	Westbrook
Stocks	Weldon
Talbert	Winfree
Tarwater	Wood
Tennant	Worley

#### Absent—Excused

Broadfoot	Jones of Falls
Brown	Keith
Cagle	Leyendecker
Davis of Haskell	McFarland
Fox	Stevenson
Fuchs	

A quorum was announced present.  
Rev. George W. Coltrin, Chaplain,  
offered prayer.

#### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Jones of Falls for today, on motion of Mr. Adkins.

Mr. Brown for today, on motion of Mr. McKee.

Mr. Broadfoot for today, on account of important State business, on motion of Mr. Carssow.

Mr. Stevenson for today, on motion of Mr. Pope.

The following Members were granted leaves of absence on account of illness:

Mr. McFarland for today, on motion of Mr. Tennyson.

Mr. Fox for today, on motion of Mr. Davison of Fisher.

Mr. Keith for today, on motion of Mr. Waggoner.

Mr. Cagle for today, on motion of Mr. Derden.

Mr. Davis of Haskell for today, on motion of Mr. Stocks.

Mr. Fuchs for today, on motion of Mr. James.

Mr. Leyendecker for today, on motion of Mr. Holland.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and

referred to the appropriate committees, as follows:

By Mr. Colquitt, Mr. Hanna, Mr. Stinson, Mr. Reed of Dallas, Mr. Blankenship and Mr. Harris of Dallas:

H. B. No. 456, A bill to be entitled "An Act providing that on and after April 1st, 1937, delinquent taxpayers shall be permitted to pay such taxes in partial payments; providing for the creation and establishment of a system whereby such payments may be made in this manner; providing for a ten month time limit in the payment of delinquent taxes under this system; providing for the institution of suit by the District Attorney or Criminal District Attorney against such delinquent taxpayers upon default in making such payments under this system; providing that no such payments shall be received by the Assessor and Collector of Taxes, which payments total less than \$1.00, and further, that accounts for less than \$10.00 will not be opened; providing that when the sum of money sufficient to pay the earliest unpaid year of delinquent taxes owed by such taxpayer shall have been paid, such amount shall then be applied upon such taxes, and a redemption receipt issued therefor; providing that all of the funds received under the provisions of this Act shall immediately become the property of the State of Texas and the respective county involved, and that no refunds shall be allowed; providing that the Assessor and Collector of Taxes may, in his discretion, allow the amount or amounts already paid into such partial payment account to be applied upon such taxes in the event the property covered is sold or transferred; . . . etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Knetsch:

H. B. No. 457, A bill to be entitled "An Act prohibiting the taking, trapping or killing of raccoons and mink in the county of Guadalupe for a period of three (3) years; providing a penalty therefor, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Celaya, Mr. Vale, Mr. Hankamer and Mr. Leyendecker:

H. B. No. 458, A bill to be entitled "An Act authorizing the State Board of Water Engineers to have made a scientific study, investigation and report on the waters of the Rio Grande River for the purpose of presenting such data to the Government of the United States of America for its use in the proposed negotiations with the Government of the Republic of Mexico for a treaty between said two governments with reference to the equitable distribution and storage of the waters of the Rio Grande River and appropriating out of the general revenues of the State of Texas the sum of \$35,000 for the two years biennium to defray the expenses connected with the making of such investigation, preparing and presenting such data, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Weldon:

H. B. No. 459, A bill to be entitled "An Act creating a more efficient special road law for Van Zandt County, Texas, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Schuenemann:

H. B. No. 460, A bill to be entitled "An Act to amend Section 5 of Chapter 271, Acts of the Regular Session of the Forty-second Legislature, which is Article 5421C, Revised Civil Statutes, providing for the sale of public free school lands under preference right to include a provision providing for the purchase of lands surveyed under Articles 5323, Revised Statutes 1925, in cases where the field notes have been filed in the General Land Office and approved, but the applicant has failed to file his application to purchase within the time prescribed by law; and authorizing a revaluation of such areas, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Brown:

H. B. No. 461, A bill to be entitled "An Act to amend Article 392 of the Revised Civil Statutes of Texas as amended by Chapter 6 of the Acts of

the Forty-fourth Legislature at the Regular Session and providing for the addition of securities guaranteed by Titles III and IV of the National Housing Act enacted by the Congress of the United States and approved by the President June 27, 1934, as lawful investments by State Banks, and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Langdon:

H. B. No. 462, A bill to be entitled "An Act to amend Section 2, Article 923qa-6, Penal Code of Texas, by exempting Bosque County from the provisions of Section 2 thereof, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Stevenson, Mr. Alsup, Mr. Ragsdale, Mr. Tarwater, Mr. Leonard, Mr. Celaya and Mr. Vale:

H. B. No. 463, A bill to be entitled "An Act to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, and as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature relative to the Board of County and District Road Indebtedness; and providing that if any part of this amendment be unconstitutional or be invalid for any reason, the remaining part shall, nevertheless be in full force and effect; repealing Chapter 117, Acts of the First Called Session of the Forty-third Legislature, except as herein reenacted, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Jones of Falls:

H. B. No. 464, A bill to be entitled "An Act creating a Public Utility Commission; providing for the appointment of commissioners, defining their powers and duties, fixing their salaries and terms of office; authorizing the employment of attorneys and other assistants by the Commission and providing for their salaries; providing for reports by the Commission; providing for reports, data and statistics to be furnished by the Commission to municipalities; providing

method and manner of securing such information by the Commission; authorizing governing bodies of cities and towns to fix and regulate rates of public utilities with their corporate limits; providing for appeals; prescribing procedure therein and fixing penalties for violations of provisions of this Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Bradford:

H. B. No. 465, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the Governing Body of each respective incorporated city and town to make such levy by ordinance, and which are unenforceable because of the failure of such Governing Bodies to appoint the Statutory Board of Equalization, or where the City Council, City Commission, or other Governing Body of such incorporated city or town has acted as a Board of Equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; providing this Act shall not validate any levies for ad valorem taxes where the validity of such levy has been contested in any pending suit, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Mann:

H. B. No. 466, A bill to be entitled "An Act to amend Article 8307, Section 5, of the Revised Civil Statutes of 1925, by providing for procedure in Courts of Law in cases where any interested party is unwilling and does not consent to abide by the final ruling and decision of the Industrial Accident Board, by allowing suit to be brought in the county of the residence of the injured employee, and requiring that such cases be heard and disposed of before other cases on the dockets of such courts, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Mann:

H. B. No. 467, A bill to be entitled "An Act to amend Article 827a, Section 6, of the Penal Code of Texas, by

repealing such parts thereof as permits an inspector of the Highway Department to require any driver operator to unload immediately upon the inspecting such portion of the load as may be necessary to decrease the gross weight of such vehicle to a maximum gross weight specified by this Article, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Prescott:

H. B. No. 468, A bill to be entitled "An Act to declare the necessity of creating a governmental subdivision of the State to be known as 'Upper Colorado Watershed Soil and Water Conservation District', and other governmental subdivisions of the State to be known as 'soil and water conservation subdistricts', to engage in conserving soil and water resources and preventing and controlling soil erosion; to establish Upper Colorado Watershed Soil and Water Conservation District; to establish the Upper Colorado Watershed Soil and Water Conservation Committee and the Board of Directors of the Upper Colorado Watershed Soil and Water Conservation District, and to define the powers and duties of the said Committee and Board; . . . etc., and for other purposes."

Referred to the Committee on Conservation and Reclamation.

By Mr. Hyder (by request):

H. B. No. 469, A bill to be entitled "An Act amending Article 2843, Title No. 49, Chapter 16, Revised Civil Statutes of 1925, authorizing the increase or decrease in the list of subjects for which free textbooks are adopted; providing that the State Board of Education shall adopt textbooks for high school subjects on a multiple list basis when one hundred or more first-class high schools are affiliated in the subjects; providing that the State Board of Education may adopt free textbooks in a subject when less than one hundred first-class high schools are affiliated in the subject when the state course of study and popular demand justify it; providing that a book or books may be adopted for high schools which combine two or more of the existing high school subjects provided no existing high school subject is omitted by such a combination; providing that the State Board of Education may also, if deemed necessary,

adopt a book or books in music and in science for the elementary grades; and providing further that a book or books may be adopted in the elementary grades which combine two or more of the subjects herein listed and that no subject herein listed is thereby omitted through such a combination, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Roark:

H. B. No. 470, A bill to be entitled "An Act re-enacting and amending Article 4902, Revised Civil Statutes of 1925, as amended by Chapter 180, Acts of the Regular Session of the Forty-second Legislature, so as to provide for levying, assessing and collecting an additional one and one-fourth per cent of the gross fire and/or lightning, and/or tornado, and/or windstorm, and/or hail insurance premiums of all companies doing business of fire or lightning or tornado or windstorm or hail insurance in this State, according to the reports made to the Board of Insurance Commissioners as required by law, and so as to provide that the taxes levied and assessed against the gross premiums of certain insurance companies shall be independent of and in addition to all other taxes imposed by law upon such companies, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Roark:

H. B. No. 471, A bill to be entitled "An Act providing for the annual assessment and collection of a tax on premiums for Workmen's Compensation insurance policies written by stock companies, mutual companies, reciprocals or inter-insurance exchanges, or Lloyds associations covering risks in this State to defray the salaries and expenses of carrying out the provisions of Articles 4907 to 4918, inclusive, Chapter 10, Title 78, Revised Civil Statutes of 1925, and providing that any unexpended balance shall be carried over in succeeding years in a separate fund, and shall reduce the assessment for succeeding years, and repealing Article 4906, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Tennyson and Mr. Morris:  
H. B. No. 472, A bill to be entitled "An Act granting permission to the State Superintendent of Public Instruction and to the State Board of Education to use a sum not to exceed One Hundred and Fifty Thousand (\$150,000) Dollars of the amount appropriated in the Equalization Bill, same being House Bill No. 327, Regular Session, Forty-fourth Legislature for the year 1936 and 1937, in the payment of approved claims for high school tuition of certain school districts in order to bring all payments to eighty-seven (87%) per cent for the year 1935 and 1936; and granting to the State Board of Education all necessary authority to make said transferred payments to said school districts, and declaring an emergency."

Referred to the Committee on Education.

#### HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Alexander and Mr. Moffett:  
H. J. R. No. 35, Proposing amendments to Section 4, of Article III; Section 2, 4, 22 and 23, of Article IV; Sections 9, 15, 18, 20, 21, and 23, of Article V; Section 14, of Article VIII; and Section 44 of Article XVI; and adding new sections, to be known as Section 23a, of Article V, of the Constitution of Texas, providing at which biennial election the county officials shall be elected, and Section 23b, of Article V, of the Constitution of Texas, providing how the county officials, elected in 1938, shall hold office; providing for an election on the question of adoption or rejection of such amendment; and making an appropriation therefor.

Referred to the Committee on Constitutional Amendments.

#### SPECIAL ORDER SET

On motion of Mr. Gibson, House Bill No. 9, was set as special order for 11:00 o'clock a. m., Thursday, February 11.

Mr. Davisson of Eastland moved to reconsider the vote by which House

Bill No. 9 was set as a special order, and to table the motion to reconsider.

The motion to table prevailed.

#### BILL ORDERED NOT PRINTED

On motion of Mr. Hankamer, House Bill No. 429 was ordered not printed.

#### ADDITIONAL SIGNER OF HOUSE BILL

By unanimous consent of the House, Mr. Mann was authorized to sign House Bill No. 420, as co-author of same.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 24, Providing for a Joint Session of the House and Senate at eleven o'clock a. m., Monday, February 8, for the purpose of hearing Hon. George Jackson Byrnes, Commissioner of New York Worlds Fair and Honorable Charles C. Green, Secretary of New York Worlds Fair. The following committee has been appointed on the part of the Senate: Mr. Collie, Mr. Moore and Mr. Rawlings.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### TO PROVIDE FOR CERTAIN INVESTIGATION IN REGARD TO ADVANCE IN CRUDE OIL PRICES

Mr. Metcalfe offered the following resolution:

H. C. R. No. 27, Relative to Increase in Price of Crude Oil.

Whereas, The Legislature has heretofore passed Special Legislation in behalf of the oil industry in Texas, one of the principal purposes of which was to stabilize the price of unrefined crude oil, and the oil industry in Texas has generally profited by virtue of such legislation; and

Whereas, Heretofore the price of crude oil paid in the Western and Northwestern portions of Texas has been arbitrarily lower than the prices paid for this product in other sections of the State; and

Whereas, The major oil companies of this State have within the past two weeks advanced the price of crude oil approximately twelve cents per barrel in practically all fields in Texas, excepting the oil fields located in the Western and Northwestern portions of the State; and

Whereas, Such a discrimination in price is, as a matter of fact, unfair and unjust and the recent changes serve only to aggravate further and perpetuate an undesirable situation heretofore existing—constituting an arbitrary penalizing of the royalty owners in the Western and Northwestern sections of the State, including the University of Texas, A. & M. College, and Public Free Schools of Texas, and the taxpayers of the State of Texas; and

Whereas, In these last named sections of Texas are located the oil properties of the University, and A. & M. College, and a great portion of the oil-producing lands of the Public Free School System; and

Whereas, The determination of whether or not this apparent unjust and unfair discrimination does, as a matter of fact, exist, is a matter of vital public concern to the people of Texas and a matter in which the Legislature of the State of Texas is directly interested; and

Whereas, The Legislature of Texas, now in session, is in a position to investigate and determine the apparent unfairness of the situation hereinbefore outlined; therefore, be it

Resolved by the House of Representative of the State of Texas, the Senate concurring, That a committee of five Members of the Legislature, consisting of three Members of the House, appointed by the Speaker, and two Members of the Senate, appointed by the Lieutenant Governor, is hereby authorized and empowered to inquire into the situation herein referred to and report back its findings to the Legislature at the earliest possible date, in order that steps may be taken to remedy the situation.

METCALFE,  
PETSCH,  
BELL,  
DAVISON of Fisher.

The resolution was read second time.

The Speaker laid before the House, for consideration at this time, in lieu of House Concurrent Resolution No. 27, the following resolution:

S. C. R. No. 23, Concerning advance in price of crude oil.

Whereas, The Legislature has heretofore passed Special Legislation in behalf of the oil industry in Texas, one of the principal purposes of which was to stabilize the price of unrefined crude oil, and the oil industry in Texas has generally profited by virtue of such legislation; and

Whereas, Heretofore the price of crude oil paid in the Western and Northwestern portions of Texas has been arbitrarily lower than the prices paid for this product in other sections of the State; and

Whereas, The major oil companies of this State have within the past two weeks advanced the price of crude oil approximately twelve cents per barrel in practically all fields in Texas, excepting the oil fields located in the Western and Northwestern portions of the State; and

Whereas, Such a discrimination in price is, as a matter of fact, unfair and unjust and the recent changes serve only to aggravate further and perpetuate an undesirable situation heretofore existing—constituting an arbitrary penalizing of the royalty owners in the Western and Northwestern sections of the State, including the University of Texas, A. & M. College, and Public Free Schools of Texas, and the taxpayers of the State of Texas; and

Whereas, In these last named sections of Texas are located the oil properties of the University, and A. & M. College, and a great portion of the oil-producing lands of the Public Free School System; and

Whereas, The determination of whether or not this apparent unjust and unfair discrimination does, as a matter of fact, exist, is a matter of vital public concern to the people of Texas and a matter in which the Legislature of the State of Texas is directly interested; and

Whereas, The Legislature of Texas, now in session, is in a position to investigate and determine the apparent unfairness of the situation hereinbefore outlined; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That a committee of five Members of the Legislature, consisting of three Members of the House, appointed by the Speaker, and two Members of the Senate, appointed by the Lieutenant Governor, is hereby author-

ized and empowered to inquire into the situation herein referred to and report back its findings to the Legislature at the earliest possible date, in order that steps may be taken to remedy the situation.

The resolution was read second time, and was adopted.

#### GRANTING PERMISSION TO BE ABSENT FROM THE STATE

Mr. Alsup offered the following resolution:

H. C. R. No. 28, Granting Judge T. O. Davis permission to be absent from the State.

Be It Resolved by the House of Representatives, the Senate concurring, That Hon. T. O. Davis, Judge of the 123rd Judicial District Court of Texas, be, and he is hereby granted permission to be absent from the State of Texas during such intervals and for such time as he may deem necessary for a period of two years beginning March 1, 1937, and ending March 1, 1939.

The permission is hereby granted.

The resolution was read second time, and was adopted.

#### EXPRESSING APPRECIATION TO MR. AND MRS. LUTCHER STARK

Mr. Thornberry offered the following resolution:

H. C. R. No. 29, Expressing Appreciation to Mr. and Mrs. Lutch Stark.

Whereas, The Honorable Lutch Stark has on February 5, 1937, given and presented to the people of Texas through Governor James V. Allred, Lieutenant Governor Walter Woodul and Honorable R. W. Calvert, Speaker of the House of Representatives, the Fine Arts Collection assembled by his mother, the late Mrs. Miriam Lutch Stark. This Fine Arts Collection is to be housed, cared for and exhibited on the campus of the University of Texas at Austin for the pleasure and benefit of the whole State; and

Whereas, This Art Collection represents a life time of careful effort on the part of the late Mrs. Miriam Lutch Stark in assembling these rare treasures from all of the world at a cost of several million dollars to herself; and

Whereas, This gift of the Miriam Lutch Stark Art Collection by the Honorable Lutch Stark and Mrs. Stark gives to all Texas and the public the opportunity of seeing and enjoying these, which are among the finest and most beautiful creations of human handiwork; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we gratefully express our gratitude and appreciation to Mr. and Mrs. Lutch Stark of Orange, Texas, for this magnificent gift to the people of Texas, which will add so much to the cultural advantages of our people and to the prestige of our State.

THORNBERRY,  
QUINN,  
BELL,  
JONES of Wise,  
METCALFE,  
WORLEY,  
TALBERT,  
BATES.

The resolution was read second time, and was adopted.

#### PROVIDING FOR A JOINT SESSION TO HEAR ADDRESS BY CHARLES C. GREEN OF NEW YORK

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 24, Providing for a Joint Session to hear address by Mr. Charles C. Green, of New York.

Whereas, The friendliest relations have always existed between the great States of New York and Texas; and

Whereas, New York and the citizens of New York were very helpful to Texas in her Texas Centennial celebration; and

Whereas, In 1939 New York will have its Worlds Fair; and

Whereas, New York has officially sent to Texas, Mr. George Jackson Byrnes, Commissioner of the New York Worlds Fair, and Mr. Charles C. Green, Secretary of the New York Worlds Fair, for the purpose of inviting all Texas to the Worlds Fair; now, therefore, be it

Resolved by the Senate, the House concurring, That a Joint Session of the Legislature be held at eleven o'clock a. m., this Monday, February 8, 1937, and that Messrs. Byrnes and Green be invited to address the Joint Session; and, be it further



Resolved, That the Speaker of the House and the President of the Senate each appoint a committee of three to escort the distinguished gentlemen to the Chair.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee on the part of the House to escort the visitors to the Speaker's stand: Messrs. Tarwater, Heflin and Bond.

#### RELATIVE TO THE CONSIDERATION OF HOUSE BILL NO. 10

Mr. Petsch offered the following resolution:

Whereas, The Legislature of Texas is being urged to increase the salary of District Judges, and a bill has been favorably reported from the Judiciary Committee, increasing their salary bill for the next biennial approximately \$520,000.00, and such bill is at this time pending on the House calendar; and

Whereas, There are at this time one hundred twenty-eight Judiciary Districts in Texas, and there are several bills in the Committee, requesting the establishment of additional District Courts, and other Members of the Legislature are getting ready to prepare additional bills requesting the establishment of further District Courts; and

Whereas, A great many of the District Courts of the State of Texas, were created at times when extraordinary business development was taking place in the section of the State where the new Courts were established, and such Courts have remained in existence, notwithstanding the demand for the Courts is no longer present; and

Whereas, Resulting from such fact, we have at this time in Texas, probably fifteen or twenty more District Courts than we need in order to attend to the District Court business in the State of Texas; and

Whereas, Each of such District Courts is operating at an expense of at least \$10,000.00 per annum to the taxpayers of Texas; and

Whereas, There is only one State in the United States, namely: New York, where the total cost of the entire Judiciary, (according to the financial statistics of the United States—1931—United States Department of Commerce, "Bureau of Census", and the

net income, as shown by the "Statistics of Income", United States Treasury Department), is as high as in the State of Texas; and

Whereas, The per capita cost of the Judiciary in Texas, is nearly two times as high as it is in the State of New York, and the cost in the last named State on the basis of "\$1,000.00 income" is \$13.25, while in Texas it is \$73.91, being five times higher in Texas; and

Whereas, A big part of such cost in our Judiciary is brought about by reason of the fact that we have in our State many useless District Courts; and

Whereas, This Legislature is faced at this time with a tremendous task of providing revenue for the operation of the State Government; and

Whereas, The elimination of the unnecessary District Courts will save the taxpayers of Texas, probably, in salaries, over \$300,000.00 for a biennial; and

Whereas, The present task of financing the operations of the State Government is so immense as to require the elimination of every unnecessary expenditure; and

Whereas, It is apparent from the aforementioned fact that redistricting for District Court purposes, is in order in the State of Texas; and

Whereas, It is self evident and proven by past experiences of the Texas Legislature, that it is virtually impossible to redistrict after the salary of the Judges has been increased, and the District Judges are no longer interested in the matter of redistricting; and

Whereas, A committee has been heretofore appointed to present such a redistricting bill to the House, and such committee will be able to introduce such measure by next Monday:

(a) Therefore, be it Resolved, That it is to the best interest of the State of Texas, that the House of Representatives decline to take any action on the bill proposing to increase the salary of the District Judges, until after the House has finally enacted a District Court Judicial Redistricting bill, and has abolished the hereinbefore referred to "useless District Courts", and that further consideration of "the aforementioned salary increase" bill be postponed until such redistricting bill is finally passed by the House.

The resolution was read second time.

On motion of Mr. Petsch, the resolution was referred to the Committee on Rules.

#### RELATIVE TO REPLACING CERTAIN MICROPHONE

Mr. Hardin offered the following resolution:

Whereas, The Members of this worthy body are unable to hear the questions which are asked when the House is in Session; therefore, be it

Resolved, That the microphone be replaced at the end of the press table.

The resolution was read second time.

Mr. Alsop moved to table the resolution.

The motion to table was lost.

Mr. Hartzog offered the following amendment to the resolution:

Amend the resolution by adding the following: "and a switch shall be placed on the Reading Clerk's desk so that the Speaker can control the lower microphone."

The amendment was adopted.

Mr. Worley offered the following amendment to the resolution:

Amend the resolution by adding at the end of the resolving clause the following: "And no juice shall ever be allowed for such microphone."

Mr. Worley raised a point of order, on further consideration of the resolution, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Hardin moved that the House Rule, relative to the time allotted for the consideration of resolutions, be suspended, at this time, for the purpose of considering the above resolution.

The motion was lost.

#### INVITING LIEUTENANT GOVERNOR J. B. SNIDER OF MISSISSIPPI TO ADDRESS THE HOUSE

Mr. Harrell moved that the House Rule, relative to the time allotted for the consideration of resolutions, be suspended, at this time, for the purpose of considering certain resolution:

The motion prevailed.

The Speaker then laid before the House, for consideration at this time, the following resolution:

Whereas, The Honorable J. B. Snider, Lieutenant Governor of Mississippi, is at the bar of the House; and

Whereas, Governor Snider is recognized as an outstanding authority on State Affairs; therefore, be it

Resolved, That Governor Snider be invited to appear on the Speaker's stand and be given an opportunity to address the House.

HANNA,  
HARRELL,  
WAGGONER,  
REED of Dallas,  
PALMER.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to escort Honorable J. B. Snider to the Speaker's stand: Mr. Palmer, Mr. Hanna, Mr. Harrell, Mr. Waggoner and Mr. Reed of Dallas.

#### EXPRESSING APPRECIATION TO SALESMANSHIP CLUB OF HOUSTON

Mr. Harris of Dallas moved that the House Rule, relative to the time allotted for the consideration of resolutions, be suspended, at this time, for the purpose of considering certain resolution.

The motion prevailed.

The Speaker then laid before the House, for consideration at this time, the following resolution:

Be It Resolved by the House of Representatives of the Forty-fifth Legislature of Texas, That it extend sincere thanks and appreciation to the Salesmanship Club of Houston for the splendid entertainment provided for the Members of the Texas Legislature and other State Officials at the Gridiron Dinner on January 30, 1937. The success of that enjoyable affair was evidenced by those attending and their reception thereof. This Gridiron Dinner will take its place as one of the most outstanding in our memories; be it further

Resolved, That an engrossed copy of this resolution be forwarded to the President of the Salesmanship Club, and to such others of the steering

committee who so successfully managed this impressive affair.

HARRIS of Dallas,  
THORNTON.

The resolution was read second time, and was adopted.

ADDRESS BY HONORABLE J. B.  
SNIDER, LIEUTENANT GOV-  
ERNOR OF MISSISSIPPI

In accordance with a resolution, adopted on this morning, inviting Honorable J. B. Snider, Lieutenant Governor of Mississippi, to address the House, the Honorable J. B. Snider was escorted to the Speaker's stand by Honorable Gaston Palmer of Madison County, Honorable Sam Hanna of Dallas County, Honorable E. F. Harrell of Lamar County, Hon. W. O. Reed of Dallas County, and Honorable J. H. Waggoner of Grayson County.

Speaker Calvert presented Honorable Gaston Palmer, who in turn introduced Honorable J. B. Snider, Lieutenant Governor of Mississippi.

Mr. Snider then addressed the House.

HOUSE BILL NO. 280 ON SECOND  
READING

On motion of Mr. Lucas, the regular order of business was suspended, at this time, to take up and have placed on its second reading and its passage to engrossment,

H. B. No. 280, A bill to be entitled "An Act authorizing, empowering and directing the Board of County and District Road Indebtedness created by Chapter 13, Articles 6674Q-1 et seq., Acts of the Third Called Session of the Forty-second Legislature, to make allowance to Henderson County, Texas, as a credit upon its outstanding road indebtedness of the amount of \$60,-669.56 and to increase the state aid effective as of January 1st, 1933, to Henderson County, Texas, to make payment of such allowance, and declaring an emergency."

The Speaker then laid House Bill No. 280 before the House, and it was read second time.

Mr. Lucas offered the following amendment to the bill:

Amend House Bill No. 280, Section 2, by striking out all after the figures 1933, and insert in lieu thereof the following: "creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to

be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted."

The amendment was adopted.

House Bill No. 280 was then passed to engrossment.

HOUSE BILL NO. 280 ON THIRD  
READING

Mr. Lucas moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 280 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adkins	Johnson of Ellis
Alexander	Johnson
Alsup	of Tarrant
Amos	Jones of Angelina
Baker	Jones of Wise
Bates	Kelt
Beckworth	Kenyon
Bell	Kern
Blankenship	King
Boethel	Knetsch
Bond	Lankford
Boyer	Lanning
Bradbury	Leath
Bradford	Leonard
Bridgers	Loggins
Burton	London
Callan	Lucas
Carssow	Mann
Cathey	Mauritz
Cleveland	Mays
Colquitt	McDonald
Davis of Jasper	McKee
Davisson	McKinney
of Eastland	Metcalfe
Deglandon	Monkhouse
Derden	Morse
Dollins	Newton
Felty	Oliver
Fielden	Palmer
Gibson	Patterson
Hamilton	of Travis
Hankamer	Pope
Hanna	Powell
Hardin	Prescott
Harper	Quinn
Harris of Dallas	Ragsdale
Harris of Dickens	Reader
Hartzog	Reed of Bowie
Heflin	Reed of Dallas
Hoskins	Rhodes
Hyder	Riddle
Jackson	Roark
James	Ross

Russell	Talbert
Schuenemann	Tarwater
Settle	Tennant
Sewell	Tennyson
Sharpe	Thornberry
Shell	Thornton
Simpson	Vale
Smith of Hopkins	Walker
Smith	Weldon
of Matagorda	Westbrook
Smith of Tarrant	Winfree
Stinson	Wood
Stocks	Worley

## Nays—7

Graves	Moffett
Harris of Archer	Skaggs
Jones of Atascosa	Waggoner
McConnell	

## Absent

Celaya	Huddleston
Davison of Fisher	Hull
Dean	Langdon
Dickison	Little
England	McCracken
Farmer	McFarland
Harbin	Morris
Harrell	Nicholson
Herzik	Patterson of Mills
Holland	Petsch
Howard	Rutta

## Absent—Excused

Broadfoot	Jones of Falls
Brown	Keefe
Cagle	Keith
Davis of Haskell	Leyendecker
Fox	Stevenson
Fuchs	

The Speaker then laid House Bill No. 280 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—105

Adkins	Carssow
Alsup	Cathey
Amos	Cleveland
Baker	Colquitt
Bates	Davis of Jasper
Bell	Davison
Blankenship	of Eastland
Boethel	Deglandon
Bond	Derden
Boyer	Dollins
Bradbury	Felty
Bradford	Fielden
Bridgers	Gibson
Burton	Hamilton
Callan	Hankamer

Hanna	Patterson
Hardin	of Travis
Harris of Dallas	Pope
Harris of Dickens	Powell
Hartzog	Prescott
Heflin	Quinn
Herzik	Ragsdale
Holland	Reader
Hoskins	Reed of Bowie
Huddleston	Reed of Dallas
Hyder	Rhodes
Jackson	Riddle
James	Roark
Johnson of Ellis	Ross
Johnson	Russell
of Tarrant	Schuenemann
Jones of Angelina	Settle
Jones of Wise	Sewell
Kelt	Sharpe
Kenyon	Shell
Kern	Simpson
King	Smith of Hopkins
Knetsch	Smith
Lankford	of Matagorda
Lanning	Smith of Tarrant
Leath	Stinson
Leonard	Stocks
Loggins	Talbert
London	Tarwater
Lucas	Tennant
Mann	Thornberry
Mauritz	Thornton
Mays	Vale
McDonald	Walker
McKee	Weldon
Metcalfe	Westbrook
Monkhouse	Winfree
Morse	Wood
Newton	Worley
Oliver	

## Nays—9

Alexander	Palmer
Graves	Skaggs
Harris of Archer	Tennyson
McConnell	Waggoner
Moffett	

## Present—Not Voting

Rutta

## Absent

Beckworth	Hull
Celaya	Jones of Atascosa
Davison of Fisher	Langdon
Dean	Little
Dickison	McCracken
England	McFarland
Farmer	McKinney
Harbin	Morris
Harper	Nicholson
Harrell	Patterson of Mills
Howard	Petsch

## Absent—Excused

Broadfoot	Jones of Falls
Brown	Keefe
Cagle	Keith
Davis of Haskell	Leyendecker
Fox	Stevenson
Fuchs	

## ADDRESS BY HON. CHARLES C. GREEN

(In Joint Session)

In accordance with the provisions of Senate Concurrent Resolution No. 24, Providing for a Joint Session of the House and Senate for the purpose of hearing an address by Honorable Charles C. Green, Secretary of the New York World's Fair, the Honorable Senators escorted by Lieutenant Governor Walter F. Woodul and Honorable Bob Barker, Secretary of the Senate, at 11:00 o'clock a. m., were announced at the bar of the House and, being admitted, were escorted to seats prepared for them.

Lieutenant Governor Walter F. Woodul occupied a seat on the Speaker's stand.

Honorable Charles C. Green and Honorable George Jackson Byrnes, Commissioner of the New York World's Fair, escorted by Senators Collie, Rawlings and Moore, committee on the part of the Senate, and Honorable Arthur B. Tarwater of Hale County, Honorable J. M. Heflin of Harris County and Honorable Bowlen Bond of Freestone County, committee on the part of the House, were announced at the bar of the House and, being admitted, were escorted to seats on the Speaker's stand.

Speaker Calvert called the House to order.

Lieutenant Governor Walter F. Woodul called the Senate to order and stated that the two Houses were in Joint Session for the purpose of hearing an address by Honorable Charles C. Green.

Speaker Calvert presented Lieutenant Governor Walter Woodul, who in turn introduced Honorable George Jackson Byrnes and Honorable Charles C. Green to the Joint Session.

Mr. Green addressed the Joint Session.

## SENATE RETIRES

At the conclusion of the Joint Session, the Senate retired to its Chamber.

## MOTION TO PLACE HOUSE BILL NO. 4 ON SECOND READING

Mr. Jones of Wise moved that the regular order of business be suspended, at this time, to take up and have placed on its second reading and its passage to engrossment,

H. B. No. 4, A bill to be entitled "An Act providing a title for the Act; providing for the imposition of a franchise tax; providing that certain corporations shall be exempt from the Act but requiring the exemption to be proven by the claimant; and repealing all existing exemptions or special credits; providing definitions for certain words, terms and phrases; providing certain deductions in computing net income; providing certain unallowable deductions; providing a method of computing the net income of insurance corporations; providing for the use of fiscal or calendar accounting periods; providing for the filing of returns by taxpayers; providing for the computation of the tax of new corporations; providing for the use of inventories in determining net income; providing a basis for ascertaining gain or loss either from sale, exchange or other disposition of property; providing procedure relative to installment sales; providing for the computation of a minimum tax; providing methods of allocating the net income and minimum tax base of a corporation; providing that Secretary of State shall have power to determine income or assets in special cases., etc., and declaring an emergency."

The motion was lost.

## REPORT OF COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS

The Speaker laid before the House, for consideration at this time, the following majority report of the Committee on Privileges, Suffrage and Elections, as regards contest of election heretofore filed:

February 8, 1937.

Hon. Robert W. Calvert, Speaker,  
House of Representatives,  
Austin, Texas.

Dear Sir:

We, your Committee on Privileges,

Suffrage and Elections, to whom was referred the Hunter-Russell contest case, have had same under due consideration, and after hearing all the argument of contestant and contestee, and after careful study of all points of law relating to the case, and after requesting and receiving a conference opinion from the Attorney General's Department on this contest case, are of the opinion that the House of Representatives is without jurisdiction over said case, and therefore beg to report back to the House that the Hunter-Russell case be dismissed.

ROSS, Vice Chairman,  
BOYER,  
CARSSOW,  
BELL,  
DERDEN,  
HEFLIN,  
JONES of Angelina,  
SCHUENEMANN,  
JONES of Atascosa,  
TENNANT,  
THORNBERRY,  
THORNTON,  
McCRACKEN.

Attached hereto is the Attorney General's opinion.

No. 2995

Legislature—Qualification of its Members—Jurisdiction to Determine Contested Election of Primary—Article 3, Section 8 of the Constitution.

The Legislature is without jurisdiction under Article 3, Section 8 of the State Constitution to try a contested primary election. The procedure for contesting such election is specifically set out by law and such procedure must be followed, and the Legislature does not have authority to go behind the general election in determining the qualification and election of its members.

Office of Attorney General's Department.

February 2, 1937.

Mr. A. P. Cagle, Chairman, Committee on Privileges, Suffrage and Elections, House of Representatives.

Austin, Texas.

Dear Sir:

Your letter of inquiry under date of January 29, 1937, addressed to the Honorable William McCraw, Attorney General of Texas, wherein you enclosed the pleadings, records and argument of counsel in the election contest filed

in the House of Representatives by E. E. Hunter, Contestant vs. J. K. Russell, Contestee, has been received and referred to the writer for attention and reply. The question propounded by you is whether or not the House of Representatives of the State of Texas, have jurisdiction to herein determine said contest.

It is needless to review the facts in this case and we will only state that the contestant objects only to the method by which the run-off primary election was held. No objection is levied at or charge made that the general election was not regular and valid. Therefore, the only question before this Department is whether or not Legislature is authorized to receive evidence as to the method of the conduct of the primary election or are they confined to the general election in determining the qualification and election of their respective members.

Article 3, Section 8 of our State Constitution provides as follows:

"Section 8. Each House shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as shall be provided by law."

Clearly, under this Article the Legislature is the only body authorized to judge the qualification and election of its respective Members. This power may not be delegated to any other tribunal by the Legislature. We do not feel that the question of qualification of a member is at issue in the instant case hence it is unnecessary that we discuss this phase of the question. The only question here involved is whether or not a particular person was elected. We have reached the conclusion that the term election as used in Article 3, Section 8, *supra*, refers to the general election. *Dickson vs. Strickland*, 265 S. W. 1012; *Sterling vs. Ferguson*, 53 S. W. (2d) 753. In the *Sterling vs. Ferguson* case, *supra*, the Court was ruling upon the effect of Article 4, Section 3, which authorizes the Legislature to canvass the returns of an election for Governor. Except for immaterial points this Article is to the same effect as Article 3, Section 8, *supra*. The Court held as follows:

"The only election governed by Section 3, Article 4, is the general election."

Throughout the two decisions above quoted, this definition is carefully followed. It, therefore, appears that

election as used in Article 3, Section 8, *supra*, has reference to a general and not to a primary election. Consequently, we are constrained to the opinion that under the provisions of Article 3, Section 8, authorizing each House to be the judge of the qualification and election of its own members that such provision only authorizes the Legislature to look to the general election to determine whether or not any person was elected. The primary election is merely a process by which a candidate of a given political party is nominated so that he might run in the general election. The conduct of this election is purely a party matter and may be contested only in the method provided by law.

For still another reason, we are of the opinion that the House of Representatives is without jurisdiction to determine this particular contest and that is that this is a contested election and under the expressed terms of Article 3, Section 8, *supra*, contested elections shall be determined in the manner provided by law. The method for contesting a primary election is set out in Article 3146 of the Revised Civil Statutes, 1925, which follows:

"In all contests for a primary election or nomination of a convention based on charges of fraud or illegality in the method of conducting the elections or in selecting the delegates to the convention, or in certifying to the convention, or in nominating candidates in State district, county, precinct or municipal conventions, or in issuing certificates of nomination from such conventions, the same shall be decided by the executive committee of the State, district, or county, as the nature of the office may require, each executive committee having control, in its own jurisdiction or in term time or vacation by the district court of the district where the contestee resides: said executive committee and the district courts having concurrent jurisdiction."

This Article sets out the exclusive procedure for contesting a primary election. Certainly, under the provisions of the Constitution, the Legislature was authorized to enact such provision into law. As it will be seen from a careful review of Article 3146, the Legislature has vested the exclusive authority in the respective executive committees to determine contests in primary election or in the

district court. The only authority that we have been able to locate with reference to the contest of general election is Article 3059 Revised Civil Statutes, which provides as follows:

"If the contest be for the validity of an election for members of the Legislature, a copy of the notice, the statement, and the reply served upon the parties as required by this chapter, shall, within twenty days after the service thereof, be filed with the district returning officer to whom the returns of such election were made, who shall envelope the same, together with a certified copy of the poll book or register of the votes of each precinct and county returned to him in said election, and shall seal the said envelope and write his name across the seals, and address the package to the President of the Senate or Speaker of the House of Representatives, as the case may be, to the care of the Secretary of State, and shall forward the same by mail or other safe conveyance to the seat of government, so as to reach there, if possible, before the convening of the Legislature."

A review of the above two Articles will reveal that the Legislature, in accordance with the mandate set out in Article 3, Section 8 of the Constitution, *supra*, has very carefully provided the means of contesting the two elections. A separate and distinct method is provided in each case. Since the contestant did not follow the procedure set out by the law, we are of the opinion that the Legislature does not at this time have authority to review the proceedings of the primary election. The time to contest the eligibility of a candidate to have his name placed upon the official ballot is past. We make the above ruling even with the realization that the Supreme Court has ruled that the nomination at a primary is tantamount to election as we fail to see how this particular ruling can have any effect whatsoever upon this question.

We do not wish to question the authority of the Legislature to judge the qualification and elections of its own members but merely wish to rule that in cases of this character said Legislature is confined to a contest of the general election.

Very truly yours,  
JOE J. ALSUP,  
Assistant Attorney General

This opinion has been approved in conference and ordered recorded.

SCOTT GAINES,  
Acting Attorney General.

The following minority report of the Committee on Privileges, Suffrage and Elections was also submitted:

February 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: We, the undersigned members of your Committee on Privilege, Suffrage and Elections, to which was referred the case of the contest of the Seat of J. K. Russell, and who were present and voted with the minority when said case was reported back to the House, hereby file this minority report and contend that the House of Representatives has jurisdiction to hear said case.

HANKAMER,  
LANKFORD,  
STINSON,  
LEONARD.

This minority report has been submitted to the House in accordance with Sec. 7 of Rule 9.

ROSS, Chairman.

On motion of Mr. Hankamer, further consideration of the majority report and the minority report were postponed until 10:00 o'clock a. m., tomorrow.

#### MESSAGE FROM THE SENATE

Austin, Texas, February 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 26, Providing for a Joint Session of the Legislature to celebrate the 101st, anniversary of the signing of the Texas Declaration of Independence.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### HOUSE BILL NO. 150 ON SECOND READING

On motion of Mr. Quinn, the regular order of business was suspended, at this time, to take up and have placed on its second reading and its passage to engrossment,

H. B. No. 150, A bill to be entitled "An Act authorizing the Board of

Directors of the Agricultural and Mechanical College of Texas to lease for oil and/or gas and/or sulphur and/or other mineral development all lands under its control; authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to invest funds accruing from the lease or sale of oil and/or gas and/or sulphur and/or other minerals; prescribing the mode and manner of said oil and/or gas and/or sulphur and/or other mineral leases on said land; providing for setting up any funds accruing as a permanent fund and appropriating the income therefrom; providing certain restrictions therein; making an appropriation to defray the expenses of said Board in executing the provisions of this Act, and declaring an emergency."

The Speaker then laid House Bill No. 150 before the House, and it was read second time.

Mr. Tennyson offered the following committee amendment to the bill:

Amend House Bill No. 150, Section 1, by adding in line 4 between the word "lands" and "or" the following: "used for experimental station" and between the words "lands" and "under" in line 12 "used for experimental stations."

The amendment was adopted.

Mr. Wood offered the following amendment to the bill:

Amend House Bill No. 150, Section 1, line 24, by adding the following after the word Texas: "with the approval and consent of the Attorney General and the General Land Commissioner."

WOOD,  
WORLEY.

The amendment was adopted.

Mr. McKee offered the following amendment to the bill:

Amend House Bill No. 150, page 3, by striking out all of lines 20 to 30 and the words "may be rejected" on line 31.

On motion of Mr. Metcalfe, the amendment was tabled.

Mr. Walker offered the following amendment to the bill:

Amend House Bill No. 150, by striking out all of Section 1, after the word "acquired" in line 39, and by adding a period.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered



amended to conform to all changes and with the body of the bill.

House Bill No. 150 was then passed to engrossment.

### HOUSE BILL NO. 150 ON THIRD READING

Mr. Quinn moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 150 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—118

Adkins	Jackson
Alsup	James
Amos	Johnson of Ellis
Baker	Johnson
Bates	of Tarrant
Beckworth	Jones of Angelina
Bell	Jones of Atascosa
Blankenship	Jones of Wise
Boethel	Kelt
Boyer	Kenyon
Bradbury	Kern
Bradford	King
Bridgers	Knetsch
Burton	Langdon
Callan	Lanning
Carssow	Leath
Cathey	Little
Celaya	Loggins
Cleveland	London
Colquitt	Lucas
Davis of Jasper	Mauritz
Davison of Fisher	Mays
Davisson	McConnell
of Eastland	McCracken
Deglandon	McDonald
Derden	McKee
Dickison	McKinney
Dollins	Metcalfe
Felty	Moffett
Fielden	Monkhouse
Gibson	Morris
Graves	Morse
Hamilton	Newton
Hankamer	Nicholson
Hanna	Oliver
Harbin	Palmer
Hardin	Patterson
Harrell	of Travis
Harris of Archer	Petsch
Harris of Dallas	Pope
Harris of Dickens	Powell
Hartzog	Prescott
Heflin	Quinn
Holland	Ragsdale
Hoskins	Reader
Howard	Reed of Bowie
Huddleston	Reed of Dallas
Hyder	Rhodes

Riddle	Stinson
Roark	Stocks
Ross	Talbert
Russell	Tarwater
Rutta	Tennant
Schuenemann	Tennyson
Sewell	Thornberry
Sharpe	Waggoner
Simpson	Walker
Smith of Hopkins	Weldon
Smith	Winfree
of Matagorda	Wood
Smith of Tarrant	Worley

#### Nays—2

Lankford

Skaggs

#### Absent

Alexander	Mann
Bond	McFarland
Dean	Patterson of Mills
England	Settle
Farmer	Shell
Harper	Thornnton
Herzik	Vale
Hull	Westbrook
Leonard	

#### Absent-Excused

Broadfoot	Jones of Falls
Brown	Keefe
Cagle	Keith
Davis of Haskell	Leyendecker
Fox	Stevenson
Fuchs	

The Speaker then laid House Bill No. 150 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

#### Yeas—122

Adkins	Davis of Jasper
Alsup	Davison of Fisher
Amos	Davisson
Baker	of Eastland
Bates	Deglandon
Beckworth	Derden
Bell	Dickison
Blankenship	Dollins
Boethel	Felty
Bond	Fielden
Boyer	Gibson
Bradbury	Graves
Bridgers	Hamilton
Burton	Hankamer
Callan	Hanna
Carssow	Harbin
Cathey	Harper
Celaya	Harrell
Cleveland	Harris of Archer
Colquitt	Harris of Dallas

Harris of Dickens	Palmer
Hartzog	Patterson of Mills
Heflin	Patterson
Holland	of Travis
Howard	Petsch
Huddleston	Pope
Hull	Powell
Hyder	Prescott
Jackson	Quinn
James	Ragsdale
Johnson of Ellis	Reader
Johnson	Reed of Bowie
of Tarrant	Reed of Dallas
Jones of Angelina	Rhodes
Jones of Atascosa	Riddle
Jones of Wise	Roark
Kelt	Ross
Kenyon	Russell
Kern	Rutta
King	Schuenemann
Knetsch	Sewell
Langdon	Sharpe
Lanning	Simpson
Leath	Smith of Hopkins
Little	Smith
Loggins	of Matagorda
London	Smith of Tarrant
Lucas	Stinson
Mann	Stocks
Mauritz	Talbert
Mays	Tarwater
McConnell	Tennant
McCracken	Tennyson
McDonald	Thornberry
McKee	Thornton
McKinney	Vale
Metcalfe	Waggoner
Moffett	Walker
Monkhouse	Weldon
Morris	Westbrook
Morse	Winfree
Newton	Wood
Oliver	Worley

## Nays—1

Lankford

## Present—Not Voting

Skaggs

## Absent

Alexander	Hoskins
Bradford	Leonard
Dean	McFarland
England	Nicholson
Farmer	Settle
Hardin	Shell
Herzik	

## Absent—Excused

Broadfoot	Jones of Falls
Brown	Keefe
Cagle	Keith
Davis of Haskell	Leyendecker
Fox	Stevenson
Fuchs	

## HOUSE BILL NO. 293 ON SECOND READING

On motion of Mr. McDonald, the regular order of business was suspended, at this time, to take up and have placed on its second reading and its passage to engrossment,

H. B. No. 293, A bill to be entitled "An Act to amend Article 3875 (5898), Title 60, Revised Civil Statutes of the State of Texas, 1925, to provide for the use of funds collected under this title for research and research facilities relating to the administration of the Feeding Stuff Law and for other purposes, and declaring an emergency."

The Speaker then laid House Bill No. 293 before the House, and it was read second time.

Mr. Harris of Archer offered the following committee amendment to the bill:

Amend House Bill No. 293 by deleting the remainder of the fourth sentence of Section 1 following the words "administration of the law" such deleted portion reading as follows: "and for such other purposes as the Board of Directors of the Agricultural and Mechanical College of Texas shall allow or direct."

The amendment was adopted.

Mr. Keith offered the following committee amendment to the bill:

Amend House Bill No. 293, by adding to the end of the fourth sentence of Section 1, and as a part thereof, the following: "and including teaching and instruction in feeds and feeding and animal nutrition."

On motion of Mr. Harris of Archer, the amendment was tabled.

House Bill No. 293 was then passed to engrossment.

## HOUSE BILL NO. 293 ON THIRD READING

Mr. McDonald moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 293 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adkins	Alsup
Alexander	Amos

Baker	Langdon
Bates	Lanning
Beckworth	Leath
Bell	Little
Blankenship	Loggins
Boethel	London
Bond	Lucas
Boyer	Mann
Bradbury	Mauritz
Bradford	Mays
Bridgers	McCracken
Burton	McDonald
Callan	McKinney
Carssow	Metcalf
Celaya	Moffett
Davis of Jasper	Monkhouse
Davison of Fisher	Morris
Davisson	Morse
of Eastland	Newton
Dean	Nicholson
Deglandon	Oliver
Derden	Palmer
Dickison	Patterson of Mills
Dollins	Petsch
Felty	Powell
Fielden	Prescott
Gibson	Quinn
Graves	Ragsdale
Hamilton	Reed of Bowie
Hankamer	Reed of Dallas
Hanna	Riddle
Harbin	Roark
Hardin	Ross
Harper	Russell
Harrell	Rutta
Harris of Archer	Schuenemann
Harris of Dallas	Settle
Hartzog	Sewell
Heflin	Sharpe
Holland	Shell
Hoskins	Simpson
Howard	Smith
Huddleston	of Matagorda
Hull	Smith of Tarrant
Jackson	Stinson
James	Talbert
Johnson of Ellis	Tarwater
Johnson	Tennant
of Tarrant	Tennyson
Jones of Angelina	Thornberry
Jones of Atascosa	Thornton
Jones of Wise	Vale
Kelt	Waggoner
Kenyon	Weldon
King	Winfree
Knetsch	Wood

## Nays—3

Cathey	Walker
Lankford	

## Present—Not Voting

Skaggs

## Absent

Cleveland	McKee
Colquitt	Patterson
England	of Travis
Farmer	Pope
Harris of Dickens	Reader
Herzik	Rhodes
Hyder	Smith of Hopkins
Kern	Stocks
Leonard	Westbrook
McConnell	Worley
McFarland	

## Absent—Excused

Broadfoot	Jones of Falls
Brown	Keefe
Cagle	Keith
Davis of Haskell	Leyendecker
Fox	Stevenson
Fuchs	

The Speaker then laid House Bill No. 293 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—123

Adkins	Hanna
Alexander	Harbin
Alsup	Hardin
Amos	Harper
Baker	Harrell
Bates	Harris of Archer
Beckworth	Harris of Dallas
Bell	Hartzog
Blankenship	Heflin
Boethel	Holland
Bond	Hoskins
Boyer	Howard
Bradbury	Huddleston
Bradford	Hull
Bridgers	Jackson
Burton	James
Callan	Johnson of Ellis
Carssow	Johnson
Celaya	of Tarrant
Colquitt	Jones of Angelina
Davis of Jasper	Jones of Atascosa
Davison of Fisher	Jones of Wise
Davisson	Kelt
of Eastland	Kenyon
Dean	Kern
Deglandon	King
Derden	Knetsch
Dickison	Langdon
Dollins	Lankford
Felty	Lanning
Fielden	Leath
Gibson	Little
Graves	Loggins
Hamilton	London
Hankamer	Lucas

Mann	Ross
Mauritz	Russell
Mays	Rutta
McCracken	Schuenemann
McDonald	Settle
McKinney	Sewell
Metcalfe	Sharpe
Moffett	Shell
Monkhouse	Simpson
Morris	Skaggs
Morse	Smith
Newton	of Matagorda
Nicholson	Smith of Tarrant
Oliver	Stinson
Palmer	Stocks
Patterson of Mills	Talbert
Patterson	Tarwater
of Travis	Tennant
Petsch	Tennyson
Pope	Thornberry
Powell	Thornton
Prescott	Vale
Quinn	Waggoner
Ragsdale	Weldon
Reed of Bowie	Westbrook
Reed of Dallas	Winfree
Rhodes	Wood
Riddle	Worley
Roark	

## Nays—2

Cathey	Walker
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## Absent

Cleveland	Leonard
England	McConnell
Farmer	McFarland
Harris of Dickens	McKee
Herzik	Reader
Hyder	Smith of Hopkins

## Absent—Excused

Broadfoot	Jones of Falls
Brown	Keefe
Cagle	Keith
Davis of Haskell	Leyendecker
Fox	Stevenson
Fuchs	

### RELATIVE TO CONSIDERATION OF LOCAL AND UNCON- TESTED BILLS

Mr. Hartzog moved that the House Rule, relative to the consideration of local and uncontested bills, be suspended, and that the hour of 1:30 o'clock p. m. to 4:30 o'clock p. m., today, be set aside for consideration of said bills.

The motion was lost.

### MESSAGE FROM THE SENATE

Austin, Texas, February 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 28, Granting permission to Hon. T. O. Davis, Judge of the 123rd Judicial District Court of Texas to be absent from the State at certain intervals.

H. C. R. No. 29, Expressing gratitude and appreciation to Mr. and Mrs. Lutch Stark of Orange, Texas, for a Fine Arts Collection given to the University of Texas.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

### COMMITTEE TO ARRANGE FOR COMMEMORATION OF TEXAS INDEPENDENCE DAY

The Speaker announced the appointment of the following committee, on the part of the House, to arrange a program for the Joint Session of the House and Senate to be held on March 2, for the purpose of commemorating Texas Independence Day: Mr. McConnell and Mr. Stinson.

### RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 19, Inviting Honorable Harry L. Ickes to address a Joint Session of the House and Senate.

S. C. R. No. 20, Inviting Honorable James A. Farley to address a Joint Session of the House and Senate.

S. C. R. No. 21, Granting Judge Harry L. Howard permission to be absent from the State.

S. C. R. No. 24, Providing for a Joint Session of the House and Senate to hear an address by Honorable Charles C. Green.

### ADJOURNMENT

Mr. Hankamer moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Morris moved that the House recess to 2:00 o'clock p. m., today.

Question first recurring on the motion by Mr. Hankamer, it prevailed, and the House, accordingly, at 12:25 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

## APPENDIX

### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Labor: House Bill No. 82.

Municipal and Private Corporations: House Bills Nos. 131 and 132.

Public Lands and Buildings: House Concurrent Resolution No. 10.

### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, February 5, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 394, A bill to be entitled "An Act amending Section 2, House Bill 327, Chapter 350, General Laws of the Forty-fourth Legislature, Regular Session, as amended by Senate Bill No. 58, Chapter 421, of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,  
Austin, Texas, February 5, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 343, A bill to be entitled "An Act making an emergency appropriation to the State Prison System at Huntsville, Texas, for the erection, construction, building, and equipping of a power plant at said Huntsville Prison, Wynne State Prison Farm, and Goree State Prison Farm, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,  
Austin, Texas, February 5, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 18, To grant B. C. Brook permission to sue the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,  
Austin, Texas, February 5, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 4, A resolution providing for an investigation by the Senate and the House of Representatives of certain rumors, charges and accusations; creating a special investigating committee, composed of two Members of the Senate and three Members of the House, defining its duties and powers, and appropriating \$2,500.00 out of the Contingent Expense Fund of the Forty-fifth Legislature.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,  
Austin, Texas, February 8, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 28, Granting District Judge permission to be absent from State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,  
Austin, Texas, February 8, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 29, Expressing gratitude and appreciation to Mr. and Mrs. Lutch Stark of Orange, Texas, for a Fine Arts Collection given to the University of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.